

The pending question was on the amendment heretofore offered by Mr. Bowie to the amendment offered by Mr. Brent, of Baltimore city, as an additional section to the report.

Mr. BOWIE said he now proposed to withdraw his amendment, and to substitute for it that which he would send to the Chair.

The PRESIDENT said that the amendment was within the gentleman's own control.

Mr. B. then sent to the Chair the following substitute for his amendment, which was read:

"The State shall be divided into two United States Senatorial Districts, the Eastern Shore shall compose the first district, and the Western Shore the second; and it shall be the duty of the General Assembly in prescribing the manner of holding elections for United States Senators, and in execution thereof, to elect alternately, from time to time, a United States Senator from each of said Shores, as vacancies in the office of United States Senator may respectively occur, and if the appointment of a United States Senator shall devolve upon the Executive in the recess of the General Assembly, the same rule and mode of appointment shall be observed by him in all appointments of United States Senator so made."

Mr. BOWIE said that his amendment was to carry out what is now provided for by the act of 1809, chap. 22. This arrangement had existed for forty years between the two shores, and he thought that good faith required this article should be incorporated into the Constitution. He had never heard any constitutional doubts expressed on the subject, and in his opinion it was clearly within the power of the Legislature to pass such an act. And if this was so, it was certainly in the power of the Convention to prescribe a rule of action to the Legislature. He hoped in this form his amendment would meet the concurrence of the body. It seemed to him that the question of constitutionality never could be raised any where, unless in the Senate of the United States, and then only in a case in which the Legislature should undertake to violate or infringe upon the constitutional provision, which was not to be expected.

Mr. GWINN said that he would vote against the proposition of the gentleman from Prince George's county. It was all true that for many years in this State the usage had obtained, under the sanction of an act of the Legislature, to take one United States Senator from the Western and one from the Eastern Shore of the State. It seemed to him that this course was eminently calculated to prolong these sectional divisions, which it was the great duty of this Convention to put an end to. And as to the measure itself, he could not understand why a division of senatorial power in Maryland, between the Eastern Shore or the Western Shore, should obtain more than between Northern Pennsylvania or Southern Pennsylvania, or Eastern New York or Western New York, Northern Ohio or Southern Ohio. Indeed there was no State whose local interests were not different, yet he believed that Maryland was the only State in which the Legislature had undertaken to create Senatorial districts. The theory of the Constitution had always been that the

Senate of the United States should represent the States as sovereignties. Two Senators were allowed because it was a convenient number, affording the probability that, in most contingencies, the State would have a representative present in that body.

There was another reason why the Eastern Shore and the Western Shore should not be regarded as equal in this apportionment of senatorial representation. What were the interests upon which the Senate of the United States was called to act? In making treaties, regulating commerce, and in imposing duties for purposes of revenue. It legislated chiefly upon the commercial interests of the State, and these certainly were not adequately represented under the proposed rule; for the commercial and national interests of the Eastern Shore could not be justly compared with those of the Western Shore.

The question was then stated to be on agreeing to the amendment of Mr. Bowie.

Mr. DIRICKSON asked the yeas and nays, which were ordered.

Mr. CHAMBERS regretted the introduction of this proposition. He would have preferred the arrangement to remain as it had existed from the earliest period of the government. The practice of taking one Senator from the Western and the other from the Eastern Shore had been observed uniformly and without exception, although reasons for violating that practice seemed very manifest to the gentleman who had just taken his seat (Mr. GWINN). If he understood that gentleman correctly, his theory was that there is a manifest inferiority of one shore to the other both in a commercial and agricultural view. He would not, however, go further into that matter, lest he should do injustice to the gentleman's remarks.

Mr. GWINN. Did you go no further than I did? Mr. C. No, sir; I went no further.

Mr. GWINN. You do not wish to misrepresent me?

Mr. C. Certainly not. I will state distinctly that I understood the gentleman to say "that the Eastern Shore, in point of importance, cannot compare with the city of Baltimore."

Mr. GWINN. Now the gentleman does misrepresent me.

Mr. C. Then I do it unintentionally, and will hear the gentleman's explanation.

Mr. GWINN said, that he would correct the error of the gentleman with great pleasure. He said that the agricultural interests of the Eastern Shore counties were not superior in degree or kind, to those of the counties of the Western Shore, and that a division of senatorial power between the two district was therefore grossly unequal, because the great commercial interests of Baltimore are located on the Western Shore. In applying the term, inferior, to the interests of the Eastern Shore, the gentleman certainly ought to have understood that he designed no reflection upon that portion of the State. Certainly a difference in wealth, population and commercial interests could be indicated without such an idea being entertained.